

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOSE SIERRA, on behalf
of himself and others similarly situated,

Plaintiff,

Case No.: CV-12-4462

Cogan, J.

v.

TRIPLE J. ASSOCIATES OF QUEENS, INC.,
d/b/a USA CAR WASH, et al.,

Defendants.

**NOTICE OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT AND APPROVAL OF PLAINTIFF'S PROPOSED NOTICE OF
PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

Please take notice that upon the accompanying Memorandum of Law, Proposed Order (attached hereto as Exhibit 1), and Declaration of C.K. Lee and annexed materials, the Plaintiff, on behalf of himself and others similarly situated, by his undersigned attorneys, hereby moves (without any opposition by Defendants) for the following relief in this Fair Labor Standards Act collective action and New York Labor Law class action:

- 1) Preliminary approval of the settlement memorialized in the Settlement and Release Agreement (“Settlement Agreement”), attached to the Declaration of C.K. Lee (“Lee Aff.”) as Exhibit A, which sets the following settlement procedure:

On or before _____, 2013	Parties will move for Preliminary Approval of Settlement Agreement and Release
10 days after Preliminary Approval PROPOSED: _____, 2013	Defendants' counsel will provide the Settlement Administrator a mailing list in electronic form containing the names, last known addresses and telephone numbers for all Class Members as that information exists on file with Defendants.
20 days after Preliminary Approval: PROPOSED: _____, 2013	Mailing of Class Notice.
45 days after date of first mailing of Class Notice: PROPOSED: _____, 2013	Last day for Class Members to "opt out" of the Settlement or to submit written objections to the Settlement.
45 days after date of first mailing of Class Notice: PROPOSED: _____, 2013	Last day for Class Members to qualify as an Authorized Claimant by filing claim forms to join FLSA settlement.
48 days after first mailing of Class Notice: PROPOSED: _____, 2013	Class counsel will file with the Clerk of the Courts copies of any Opt-out Statements and send a final list of all Opt-out Statements to Defendants' Counsel by email.
60 days after date of first mailing of Class Notice: PROPOSED: _____, 2013	Last day for filing and service of papers in support of final Settlement Approval
_____, 2013 ____AM/PM	Final Settlement approval hearing.

2) Approval of the Proposed Notice of Pendency of Class Action and Proposed Settlement ("Notice"), which is attached as Exhibit B to the Lee Declaration, and directs its distribution to the class.

- 3) Approval of the proposed Order attached hereto as Exhibit 1.
- 4) Approval of the Settlement Administrator's administration fees of \$25,000.

Dated: March 1, 2013

Respectfully submitted,

LEE LITIGATION GROUP, PLLC
C.K. Lee (CL 4086)
30 East 39th Street, Second Floor
New York, NY 10016
Tel.: 212-465-1188
Fax: 212-465-1181
*Attorneys for Plaintiff, FLSA Collective
Plaintiffs and the Class members*

By: /s/ C.K. Lee
C.K. Lee (CL 4086)